



**UNITED STATES DEPARTMENT OF COMMERCE
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CLASSIFIED 179 15/07/91 LINDSEY

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1176

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12-27-91

☐ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 0 month(s), 30 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-76 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☐ Claims _____ are rejected.
5. ☐ Claims _____ are objected to.
6. ☒ Claims 1-76 are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Art Unit 1806

15. Restriction to one of the following inventions is required under 35 U.S.C. § 121:

- I. Claims 1-62, drawn to a method of regulating T-cell responses, classified in Class 424, subclasses 85.8 and 88.
- II. Claims 63-66, drawn to a method of treating graft vs. host disease with a ligand and further using an immunosuppressant, classified in Class 424, subclasses 85.8 and 88, and Class 424, subclass 85.1, and Class 514, subclass 200+.
- III. Claims 67-~~76~~, drawn to an assay method in-vitro, classified in Class 436, subclasses 63 and 501

16. The inventions are distinct, each from the other because of the following reasons:

17. The inventions of Groups ~~XI-IV~~^{I-III} are distinct methods of use. They differ with respect to their process steps, and ingredients as well as presenting different issues of enablement and patentability. For these reasons the inventions are novel and unobvious in view of each other and are patentably distinct. Further the methods of use as claimed represent separate patentable distinct groups.

18. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art shown by their different classification, in addition to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

19. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

20. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

21. A telephone call was made to Ms. Saralynn Mandel on November 12, 1991 to request an oral election to the above restriction requirement, but did not result in an election being made. Her secretary said it was her policy to have restrictions mailed.

Art Unit 1806

22. Papers related to this application may be submitted to Group 180 by facsimile transmission. Papers should be faxed to Group 180 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 308-4227.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald E. Adams whose telephone number is (703) 308-1834. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 180 receptionist whose telephone number is (703) 308-0196.

Donald E. Adams, Ph.D.

November 25, 1991

John Doll
JOHN DOLL
SUPERVISORY PATENT EXAMINER
ART UNIT 1806-1806